

MEMORANDUM

TO: Dublin City Council
Marsha Grigsby, City Manager
Anne Clarke, Clerk of Council

FROM: Stephen J. Smith
Jennifer Readler
Chris W. Michael

DATE: May 16, 2013

RE: HSC Hospitality, Inc. DBA Hilton Garden Inn Dublin
Application for D5A Liquor Permit

I. INTRODUCTION:

The City of Dublin recently received a Notice to Legislative Authority ("Notice") from the Ohio Division of Liquor Control concerning HSC Hospitality, Inc. ("HSC") transfer application for a class D5A liquor permit. Dublin has received this Notice pursuant to R.C. 4303.26 because HSC's proposed location for the permit premises will be located within the corporate limits of Dublin. As such, Dublin may request a hearing regarding the advisability of the issuance, transfer of ownership, or transfer of location of the permit.

II. BACKGROUND:

HSC is an Indiana corporation that is actively registered with the Ohio Secretary of State and is doing business as ("DBA") Hilton Garden Inn Dublin. The address designated for the permits premises is 500 Metro Place North, Dublin, Ohio 43017, which is located just west of Frantz Road south of State Route 161. HSC is seeking to obtain a D5A liquor permit from Pinnacle Dublin LLC DBA Hilton Garden Inn Dublin ("Pinnacle"), a domestic limited liability company actively registered with the Ohio Secretary of State to conduct business in Ohio, which presently holds the permits at the same location (500 Metro Place North). This transfer application is currently pending before the Ohio Division of Liquor Control ("Division").

According to the Division's records, HSC is in good standing and does not have any history of violating Ohio liquor permit laws. If approved, HSC will inherit the same D5A liquor permit that is currently held by Pinnacle at the same location. However, the Division may not approve this permit and force HSC to apply for a new D5A because under R.C. 4303.181(A), a D5A permit is not transferable, yet there is no quota restriction on the number of D5A permits that may be issued.

III. RECOMMENDATION:

It would appear that it is unnecessary to request a hearing in this matter. If approved, the permit will simply transfer from one hotel business to another located at the same business location. Should the Division not approve the transfer application because of R.C. 4303.181(A), Dublin would not need to take any action other than potentially considering a future application for a new D5A permit should HSC reapply. Regardless of whether Dublin desires to request a hearing, the Notice must be signed and returned to the Ohio Division of Liquor Control by June 10, 2013.

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

3469500		TRFO		HSC HOSPITALITY INC DBA HILTON GARDEN INN DUBLIN 500 METRO PL N DUBLIN OHIO 43017
PERMIT NUMBER		TYPE		
02	01	2013		
ISSUE DATE				
05	07	2013		
FILING DATE				
D5A				
PERMIT CLASSES				
25	066	B	F09769	
TAX DISTRICT			RECEIPT NO.	

FROM 05/09/2013

6933510				PINNACLE DUBLIN LLC DBA HILTON GARDEN INN DUBLIN 500 METRO PL N DUBLIN OHIO 43017
PERMIT NUMBER		TYPE		
02	01	2013		
ISSUE DATE				
05	07	2013		
FILING DATE				
D5A				
PERMIT CLASSES				
25	066			
TAX DISTRICT			RECEIPT NO.	



MAILED 05/09/2013

RESPONSES MUST BE POSTMARKED NO LATER THAN. 06/10/2013

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES **B TRFO 3469500**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

**CLERK OF DUBLIN CITY COUNCIL
5200 EMERALD PARKWAY
DUBLIN OHIO 43017**

FOR OFFICE USE ONLY	
NEW	TRANSFER
PERMIT # 3469500	

**OHIO DEPARTMENT OF COMMERCE
DIVISION OF LIQUOR CONTROL**
6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005
Telephone: (614) 644-2431 http://www.com.ohio.gov/liqr
OFFICER/ SHAREHOLDERS DISCLOSURE FORM



SECTION A. (This form must accompany all applications of a corporate business entity)

Name of Corporation HSC Hospitality Inc	DBA Name Hilton Garden Inn	
Permit Premises Address 500 Metro Place N.	City, State Dublin	Zip Code 43216
Township, if in Unincorporated Area	Tax Identification No. (TIN) 34-1870766	

SECTION B.

1. Is stock publicly traded? If "YES", indicate exchange _____ & Do NOT complete SECTION D.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
2. Does any stockholder own 5% or more shares? If YES, complete SECTION D.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
3. Total Number of shares issued _____		

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement enforcement action, or collect taxes.

SECTION C. List the top five (5) officers of the captioned corporation. If an office is NOT held please indicate by writing NONE.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO		
2) President Allen Schmidthorst		11-20-1939
3) Vice-President		
4) Secretary Allen Schmidthorst		11-20-1939
5) Treasurer Allen Schmidthorst		11-20-1939

SECTION D. Stockholders holding 5% or more outstanding shares. Note: If you answered Question 1 YES, do not complete this section

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191. If none, please indicate by writing "NONE".

1) Stockholder's Name Allen Schmidthorst	Social Security No. (if Individual)	NUMBER OF SHARES HELD (NOT PERCENTAGE) 100
Residence Address 14252 SR 366	Tax Identification No. (if applicable)	
City and State Lakeview Ohio	Zip Code 43331	
Telephone No. 937-843-3373	Date of Birth 11-20-1939	
2) Stockholder's Name	Social Security No. (if Individual)	NUMBER OF SHARES HELD (NOT PERCENTAGE)
Residence Address	Tax Identification No. (if applicable)	
City and State	Zip Code	
Telephone No.	Date of Birth	

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE TO LIST STOCKHOLDERS)

STATE OF OHIO,

COUNTYss

I, **Allen Schmidthorst** being first duly sworn, according to law, deposes and says that he/she is (Title) **President**
of the **HSC Hospitality Inc**, a corporation duly authorized by law to do business in the State of Ohio, and that the statements made in the foregoing affidavit are true.

(Signature) *Allen Schmidthorst* (Print Name and Corporate Title) _____

Sworn to and subscribed in my presence this **19** day of **April**, **2013**



ALYCIA C. MUSIC
Notary Public, State of Ohio
My Commission Expires 06-10-2013

Alycia C. Music
(Notary Public) _____
(Notary Expiration)

DLC4030

FOR TTY USERS DIAL 1-800-750-0750

Rev. 4/2012

OHIO DEPARTMENT OF COMMERCE
DIVISION OF LIQUOR CONTROL
LICENSING SECTION RM. 1-B

2013 MAY -3 PM 1:28

D8 \$500 ORC 4303.184 Sale of tasting samples of beer, wine, and mixed beverages, but not spirituous liquor, at retail, for consumption on premises.

Restaurant / Night Club

Permit Class	Permit Fee	Description
D1	\$376	<u>ORC 4303.13</u> Beer only for on premises consumption or in original sealed containers for carry out only until 1:00am.
D2	\$564	<u>ORC 4303.14</u> Wine and mixed beverages for on premises consumption or in original sealed containers for carryout only until 1:00am.
D2X	\$376	<u>ORC 4303.141</u> (Grandfathered Permit) Beer only for on premises consumption or in original sealed containers for carryout only until 1:00am.
D3	\$750	<u>ORC 4303.15</u> Spirituous liquor for on premises consumption only until 1:00am.
D3X	\$300	<u>ORC 4303.151</u> (Grandfathered Permit) Wine only for on premises consumption or in original sealed containers for carryout only until 1:00am.
D3A	\$938	<u>ORC 4303.16</u> Extend issued permit privileges until 2:30am.
D5	\$2,344	<u>ORC 4303.18</u> Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.
D5I	\$2,344	<u>ORC 4303.181</u> (Same as D5). Restaurant meeting certain criteria.
D7	\$469	<u>ORC 4303.183</u> (Same as D5). RESORT area only.

Club

Permit Class	Permit Fee	Description
D4	\$469	<u>ORC 4303.17</u> Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am.
D4A	\$750	<u>ORC 4303.171</u> Airline club only - Beer and any intoxicating to members and guests until 2:00am.
D5C	\$1,563	<u>ORC 4303.181</u> (Same as D5.)(This class can no longer be applied for.)
D5D	\$2,344	<u>ORC 4303.181</u> (Same as D5) located at airport.

Hotel And Motel

Permit Class	Permit Fee	Description
D5A	\$2,344	<u>ORC 4303.181</u> (Same as D5) for hotel or motel with 50 or more rooms for transient guests.

Enclosed Shopping Mall